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**AUG 28 2007**

**OFFICE OF PETITIONS**

In re Application of  
Stephen E. Henderson, et al.  
Application No. 10/735,431  
Filed: December 11, 2003  
Attorney Docket No. T-6260

ON PETITION

This is a decision in response to the petition, filed May 1, 2007, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.


The application became abandoned for a failure to reply in a timely manner to a non-final Office action mailed August 4, 2006. This decision precedes the mailing of a Notice of Abandonment. On May 1, 2007, the present petition was filed.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$1,020 extension of time fee submitted with the petition on March 16, 2007 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of \$1,500; and (3) an adequate statement of unintentional delay.

The application is being referred to Technology Center AU 1764 for consideration of the amendment filed May 1, 2007.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

  
Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions